IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 29688 of 2007(H)

PETITIONERS:
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1. **P.A.VARGHESE,S/O. ANTONY**
   POOVELY HOUSE, NAYATHODE PO.

2. **P.A.PETER, S/O. ANTONY,**
   POOVELY HOUSE, NAYATHODE PO.

BY ADV. SRI.AYPE JOSEPH

RESPONDENTS:
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1. **GOVT. OF KERALA,REPRESENTED BY**
   SECRETARY, FOOD CIVIL AND CONSUMER AFFAIRS
   (D) DEPARTMENT, TRIVANDRUM.

2. **DISTRICT COLLECTOR, CIVIL STATION,**
   KAKKANAD ERNAKULAM.

3. **TALUK SUPPLY OFFICER, ALUVA.**

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 29688 OF 2007

Dated this the 12th day of November, 2007

J U D G M E N T

This case relates to the seizure of 35 bags of boiled rice weighing 75 Kgms each. Seizure was on 7.5.1992. The District Collector after enquiry passed Ext.P4 order on 20.12.1999 rejecting the contentions of petitioners and ordering confiscation. The said order was questioned before this court by filing O.P. 2195/2000. The original petition was disposed of on 18th January 2006 directing the petitioners to file an appeal against Ext.P3 order. Accordingly, an appeal was filed and by Ext.P6 order dated 9.5.2007, the appellate authority rejected the appeal and confirmed Ext.P4 order of confiscation. Though there is no power conferred on the appellate authority to review this order, petitioners submitted an application for review. That was also rejected by Ext.P7 order dated 28.4.07. This writ petition is filed challenging Exts.P4, P6 and P7.

2. As already noted, the issue relates to the seizure that occurred as early as on 7.5.92. In Ext.P4 order, the 2nd respondent has dealt with the contention of the petitioner that the rice was sold to Sri. K.R.

Mohanan. The appellate authority has noted that the purchaser had not raised any claim in respect of the rice seized and that the petitioners had not produced any valid documentary evidence regarding the payment/ownership of rice. On this basis, the 2nd respondent also did not find any merit in the contention raised. In the appeal, the appellate authority granted a personal hearing to the petitioner and holding that even at the appellate stage, the petitioner could not adduce any satisfactory explanation to show that the rice was sold to Sri.Mohanan, appeal was rejected. The review also was dismissed on rejecting the contentions.

In this writ petition, there is absolutely no material produced to take a different view on the factual findings. The findings rendered by the original as well as the appellate authority do not warrant any interference on the materials available.

The writ petition fails and it is dismissed.

ANTONY DOMINIC, JUDGE

vps